

City of San Diego
Progress Report to PS&NS Committee
February 21, 2002
Medical Marijuana Task Force
Chair: Juliana B. Humphrey

Background:

In its August 2001 report to PS&NS, the Medical Marijuana/Cannabis Task Force set forth a series of questions regarding implementation of Prop. 215 that it intended to answer on behalf of patients, caregivers, doctors, law enforcement and the voters. These questions are:

- ! How is an eligible patient identified?
- ! How do doctors comply with the law?
- ! How do patients find out about law enforcement protocols?
- ! How may a patient obtain marijuana?
- ! What is an appropriate marijuana supply for a patient?
- ! Who can qualify as a “caregiver” under the initiative’s intent?

These questions are being addressed by the Task Force as a whole and within each of its subcommittees. Below is a summary of our progress on these issues.

Progress Summary:

A. Patient Identification:
Demystifying Law Enforcement Protocols

In August 2001, the Task Force asked PS&NS, and later the entire Council, to support passage of SB 187, a bill which would create a statewide patient verification card program. This committee and the Council agreed to do so. SB 187 should be voted on this spring.

In addition to supporting the statewide measure, Council member Inzunza, joined by Council member Atkins, asked the Task Force to propose a local plan for patient identification. Such a plan was deemed necessary due to the uncertainty of SB 187 passage and the inaction of the county health department on this issue.

On November 3, 2001, the Task Force presented its verification card plan to PS&NS and received preliminary approval of its provisions. During December and January, the Task Force worked with a City Attorney representative to translate the plan into an ordinance. On February 12, 2002, the full Council voted to adopt the ordinance with minor

modification.

The Task Force will continue to work with council members on implementation of the ordinance, first with the writing of the “Request for Proposal” (RFP) process. Deborah Fischle-Faulk will be overseeing the RFP process for the City and attended the February Task Force meeting. Once a private contractor is selected, the Task Force will assist where needed to assure the accountability, fairness and accuracy of the new program.

In addition to satisfying the goal of reliable patient identification, the voluntary verification program satisfies another goal – educating the public about law enforcement protocols and expectations. The ordinance was written expressly to create a “safe harbor” for legitimate medical cannabis users and their caregivers. Once in place, the ordinance will give patients and caregivers fair notice of the community’s expectations for their medical marijuana use. This aspect of the ordinance is as vital to the community as the identification provision.

B. Physician Feedback, Education

In order to determine the level of knowledge and interest in medical cannabis in the medical community, the Patient/Doctor Advocacy and Outreach subcommittee developed a survey for doctors (and a different survey for patients). The doctor’s portion is complete and was distributed to the full Council on February 8, 2002.

One important finding from the survey was to quantify the numbers of doctors who spoke with their patients about medical cannabis. The results show that a significant number of physicians receive hundreds of requests for information about medical cannabis from their patients each month. Therefore it is vital that these doctors receive accurate information about the law and about medical cannabis so that they can make informed decisions about the treatment of their patients.

One of the top media used by doctors to get information is the internet. The Task Force has brainstormed ideas for a website where doctors, and interested others, can obtain facts about the law and the work of the Task Force, and can be linked to educational sites regarding the efficacy of cannabis and various illnesses. Task Force member Jerry Meier, the person who compiled the report on the physician surveys, has been instrumental in focusing the group on this project. We are seeking to partner with the City to form this website and will be presenting our plan in the near future.

C. Amounts of Cannabis allowed; Supply to Patients

The most challenging issues facing the Task Force is developing protocol for amounts of cannabis patients may possess and numbers of plants patients and/or their caregivers may grow.

The Legislative subcommittee is now working on these issues from the perspective of what other jurisdictions have determined to be reasonable amounts of cannabis for patients to possess and grow. Recall that the text of Prop. 215 (H&S11362.5) is silent on these issues. Local law enforcement has shyed away from spelling out specific quantities or plant numbers relying instead on a “case by case” consideration of reasonableness. While the Task Force recognizes that law enforcement may always rely on the facts of each case to assess the reasonableness of the patient’s behavior, it is also important to give as much concrete information as possible to patients, doctors and caregivers to alleviate their understandable anxiety.

The Law Enforcement subcommittee is also addressing these issues, and in particular the issue of how patients can legally obtain medical cannabis once they and their physicians reach the conclusion that it would be a helpful medicine. This subcommittee has focused on developing plans for legal cannabis growing parameters for law enforcement, patients and caregivers. The PS&NS will receive both of these proposals in the near future.

Timeline and Goals

Our goals set forth in August 2001 remain the same and are in reach. As the Task Force completes an individual project it will submit its recommendations/proposals to PS&NS for review and further action. I plan to submit another general report in August.